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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WHAM-O, INC.,

Plaintiff,

Case No.: C 08-00841 PVT

v.
BIG TIME TOYS, LLC,

Defendant.

**JOINT ADR CERTIFICATION,
STIPULATION TO ADR PROCESS
AND [PROPOSED] ORDER
SELECTING ADR PROCESS**

JOINT ADR CERTIFICATION

Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the undersigned certifies that he or she has:

(1) Read the handbook entitled "Dispute Resolution Procedures in the Northern District of California" on the Court's ADR Internet site www.adr.cand.uscourts.gov;

1 (2) Discussed the available dispute resolution options provided by the Court and
2 private entities; and

3 (3) Considered whether this case might benefit from any of the available dispute
4 resolution options.

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6 Dated: May 20, 2008 /s/ Nicholas Wilcockson
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8 Dated: May 20, 2008 /s/ Elisabeth R. Brown
9 Attorney for Plaintiff

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11 Dated: May 20, 2008 /s/ Jeff Allen
12 for BIG TIM TOYS LLC

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14 Dated: May 20, 2008 /s/ John W. Peterson
15 Attorney for Defendant

16 **JOINT ADR STIPULATION**

17 Counsel report that they have met and conferred regarding ADR and have reached the
18 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

19 The parties agree to participate in the following ADR process:

20 **Court Processes:**

- 21 — Non-binding Arbitration (ADR L.R. 4)
22 — Early Neutral Evaluation (ENE) (ADR L.R. 5)
23 X Mediation (ADR L.R. 6)

24 **Private Process:**

- 25 — Private ADR (*please identify process and*
26 *provider*)_____

27 The parties agree to hold the ADR session by:

the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline

Dated: May 20, 2008

/s/ Elisabeth R. Brown

Attorney for Plaintiff

Dated: May 20, 2008

/s/ John W. Peterson

Attorney for Defendant

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
 - Early Neutral Evaluation (ENE)
 - X Mediation

Private ADR

Deadline for ADR session:

- X 90 days from the date of this order.
other

IT IS SO ORDERED.

Dated: _____

UNITED STATES MAGISTRATE JUDGE

ATTESTATION OF E-FILED SIGNATURE

I, Elisabeth R. Brown, attest that Nicholas Wilcockson, Jeff Allen, and John W. Peterson have read and approved the Joint ADR Certification, Stipulation to ADR Process and [Proposed] Order Selecting ADR Process. I will maintain records of their concurrence in our files that can be made available for inspection upon request.

/s/ Elisabeth R. Brown